IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24691 of 1998

Between:

Sarovodaya Mahila Mandali rep. by Secretary, Smt.V.V.Prabhavathi
S.R.Nagar, Hyderabad

..... PETITIONER

AND

1.. The Vice Chairman & Housing Commissioner O/o The Andhra Pradesh

Housing Board, Gruhakalpa, M.J. Road,
Hyderabad
2.. The Govt. of Andhra Pradesh, rep. by Secretary,
Housing Municipal & Urban Development Dept., Hyderbad
3.. The Executive Engineer (Hg.),
North Division, Hyderabad

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly in the nature a writ in the nature of Writ of Mandamus:
i) declaring the Proceedings No:7669/JS/81, Dt: 22-8-98 of the respondent No.1 as arbitrary, illegal and voilative of the Art.14 of the Constitution of India And be pleased to pass such other or orders as this Hon' ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.: MR.T.RAMULU

The Court made the following :

ORDER:

The present writ petition is filed questioning the proceedings dated 22-8-1998 canceling the lease agreement dated 21-3-1977 and directing resumption of the leased land.

The facts in brief are that the petitioner is a registered society formed with an object of promoting the social, cultural, educational and artistic interest of the citizens. Vide G.O.Ms.No. G.O.Ms.No.17 Housing dated 3-2-1997, the first respondent granted lease to the petitioner for a period of 30 years over an extent of 533.33 sq.yards of land situate at Sanjeevareddinagar, Hyderabad and a lease agreement was also executed in favour of the petitioner society on 21-3-1977. That with an intention to improve and widen the scope of its activities, the petitioner society has taken help from an another registered society viz., “Annapurna Manava Samkshema Samithi”, (for short the Samithi),
whose objects and aims are similar to the petitioner society. The said Samithi has agreed to contribute funds for constructions of first floor and the petitioner society has entered into an agreement dated
30-11-1996 for leasing the building for a period of seven years, subject to approval from the first respondent. On 18-9-1997, the petitioner society made a representation to the first respondent seeking permission with regard to grant of lease to the Samithi. Pursuant thereto, the first respondent issued a show cause notice dated
7-11-1997, followed by a memo dated 9-1-1998 directing the petitioner to withdraw the agreement entered with the samithi. Accordingly, the petitioner stated to have withdrawn the agreement entered with the samithi for grant of lease. While so, the

impugned order dated
22-8-1998 was issued canceling the lease agreement and directing resumption of the land.

Heard learned counsel for petitioner and learned Standing Counsel for respondent Housing Board.

The learned Standing Counsel for respondent Housing Board submitted that subsequent to passing of the impugned orders, an inspection was conducted by the respondent officials, wherein it was found that the subject premises is in occupation of the petitioner. It is further stated that the lease granted in favour of the petitioner would be coming to an end by 21-3-2007 and no further orders are required to be passed in the present writ petition.

In view of the fact that the petitioner has withdrawn the agreement of lease entered into by it with the Samithi and using the premises for its own, I see no reason to cancel the lease granted in favour of the petitioner, which is going to expire shortly i.e., on
21-3-2007. Accordingly, the impugned notice dated 22-8-1998 is set aside and the writ petition is allowed. No costs.

_____

N.V.RAMANA,J

1-3-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Vice Chairman & Housing Commissioner O/o The Andhra Pradesh

Housing Board, Gruhakalpa, M.J. Road,
Hyderabad
2.. The Secretary, Govt. of Andhra Pradesh,
Housing Municipal & Urban Development Dept., Hyderbad
3.. The Executive Engineer (Hg.),
North Division, Hyderabad

4) 2 CD copies

5) 1 CC to MR.SUDERSHAN REDDY

*Form-NIC-OGS/WP{**KKG**}*